

EMBAJADA DE MÉXICO

Washington, D.C.
February 2, 2011.

The Honorable Patrick Leahy
United States Senate
433 Russell Senate Office Building
Washington, DC 20510

Dear Chairman Leahy,

I am writing on behalf of the government of Mexico to express our deepest gratitude to you and your staff for your dedication and perseverance last year on the issue of ensuring consular rights for all foreign nationals here in the United States and for Americans abroad. Mexico continues to support this effort, and we look to your guidance, statesmanship and leadership in successfully passing legislation that would enable the US to comply with its international obligations.

As you know, the U.S. Supreme Court in *Medellin v. Texas* decided that only Congress could give effect to the *Avena* ruling of the International Court of Justice, which pertains to a group of Mexican nationals whose consular rights were violated. As I have underscored in previous correspondence, Mexico does not call into question the heinous nature of the crimes attributed to those Mexican nationals; we only seek to ensure that international commitments are upheld, something that is key to maintaining a thriving relationship between our countries. Therefore, your support and efforts towards introducing legislation that addresses *Avena* while following the Supreme Court's guidance is crucial.

Mexico is truly appreciative of your commitment and hard work over the past years. We look forward to working with you in the future as we count on your continued leadership to move forward on this very critical issue.

I take this opportunity to convey to you the assurance of my high esteem and consideration.

Sincerely,

Arturo Sarukhan
Ambassador of Mexico

Warm regards,

List of all death-sentenced Mexican nationals affected by the *Avena* decision

Still on death row ("review and reconsideration" required for conviction and sentence): 40

California: 25

NAME	STATE
Carlos Avena Guillen	California
Héctor Juan Ayala	California
Vicente Benavides Figueroa	California
Jorge Contreras López	California
Daniel Covarrubias Sánchez	California
Marcos Esquivel Barrera	California
Rubén Gómez Pérez	California
Jaime Armando Hoyos	California
Arturo Juárez Suárez	California
Juan Manuel López	California
José Lupercio Casares	California
Luis Alberto Maciel Hernández	California
Abelino Manríquez Jáquez	California
Omar Fuentes Martínez	California
Martín Mendoza García	California
Sergio Ochoa Tamayo	California
Enrique Parra Dueñas	California
Juan de Dios Ramírez Villa	California
Magdaleno Salazar	California
Juan Ramón Sánchez Ramírez	California
Ignacio Tafoya Arriola	California
Alfredo Valdez Reyes	California
Eduardo David Vargas	California
Tomás Verano Cruz	California
Samuel Zamudio Jiménez	California
TOTAL (California)	25
Juan Carlos Alvarez Banda	Texas
César Roberto Fierro Reyna	Texas
Héctor García Torres	Texas
Ignacio Gómez	Texas
Ramiro Hernández Llanas	Texas
Ramiro Ibarra Rubí	Texas
Humberto Leal García	Texas
Virgilio Maldonado	Texas
Roberto Moreno Ramos	Texas
Rubén Ramírez Cárdenas	Texas
Félix Rocha Díaz	Texas

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Edgar Arias Tamayo	Texas
TOTAL (Texas)	12
Carlos René Pérez Gutiérrez	Nevada
José Trinidad Loza	Ohio
Horacio Alberto Reyes Camarena	Oregon
TOTAL (other states)	3

No longer under death sentence ("review and reconsideration" for conviction only): 6

NAME	STATE	STATUS
Martín Raúl Fong Soto	Arizona	Juvenile offender, resentenced to life under <i>Roper v. Simmons</i>
Oswaldo Regalado Soriano	Texas	Juvenile offender, resentenced to life under <i>Roper v. Simmons</i>
Daniel Angel Plata Estrada	Texas	Re-sentenced to life on grounds of mental retardation, under <i>Atkins v. Virginia</i>
Gabriel Solache Romero	Illinois	Commutated to life by executive clemency
Juan Caballero Hernández	Illinois	Commutated to life by executive clemency
Constantino Carrera Montenegro	California	Death sentence reversed in federal habeas review; awaiting resentencing pending the outcome of the appeal of his conviction

Avena requirements no longer apply: 5

NAME	STATE	STATUS
José Ernesto Medellín Rojas	Texas	executed
Mario Flores Urbán	Illinois	deported after commutation and release
Oswaldo Torres Aguilera	Oklahoma	Commutated; judicial determination of <i>Avena</i> prejudice only at penalty phase
Rafael Camargo Ojeda	Arkansas	Re-sentenced (mental retardation) after waiver of all appeals
Miguel Angel Martínez Sánchez	California	Died on death row

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